

REMARKS

Claims 1, 6, 10-12, 16, 25-27, 32, 36-38, 42, and 77-92 are pending in the application. Claims 1, 27, 86, and 92 are independent. By the foregoing Amendment, claim 1 has been amended. It is believed that these changes introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1, 6, and 11-12 Under 35 U.S.C. § 102(e)

In paragraph 3 of the Office Action, the Examiner rejected claims 1, 6, and 11-12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,047,310 to Kamakura ("Kamakura"). A claim is anticipated only if each and every element of the claim is found in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicants respectfully traverse the rejection

In paragraph 4 of the Office Action, the Examiner states that Kamakura teaches the invention as claimed including a method comprising: monitoring and detecting publication of information; organizing the detected information into a set of topics; facilitating a user to persistently subscribe to information based on at least one topic selected from among the set of topics; routing information to the user based on the organization and subscription; and pseudo-synchronously delivering the information to the user on a client system. Applicants respectfully disagree.

Kamakura Is Not Properly Applied to Claim 1

As a first matter, Applicants respectfully submit that the Examiner has not properly applied Kamakura to claim 1. For example, claim 1 recites in pertinent part "monitoring and detecting publication of information in a network; organizing the detected information into at least one event and routing the at least one event to a set of topics; facilitating a user to persistently subscribe to at least one topic selected from among the set of topics; and delivering the event to the user via the Internet immediately upon detection based on a subscription to a topic, wherein delivering the event to the user is not in reply to a request from the user." Applicants respectfully submit that the language the Examiner is asserting that Kamakura

teaches is not recited in claim 1. For example, “pseudo-synchronously delivering the information to the user on a client system” is not recited in claim 1. Thus even if the Examiner is correct in the assertion of what Kamakura teaches, that language is not recited in claim 1 and as a result the Examiner has not properly applied Kamakura to claim 1.

Kamakura Does Not Teach the Identical Invention Contained in Claim 1

Applicants respectfully submit that Kamakura does not teach the identical invention recited in claim 1. For example, Applicants respectfully submit that Kamakura does not teach “monitoring and detecting publication of information in a network” as recited in claim 1. The advertising information in Kamakura is being sent to Kamakura directly from the sender. There is no need for Kamakura to continuously monitor the network 12 for publication of the direct mail information. Thus, Kamakura does not teach monitoring and detecting publication of information in a network as the Examiner asserts.

Applicants respectfully submit further that Kamakura fails to teach “delivering the event to the user via the Internet immediately upon detection based on a subscription to a topic, wherein delivering the event to the user is not in reply to a request from the user” as recited in claim 1. Applicants respectfully submit that Kamakura is a store and forward system in that a sender sends the direct mail document 26 to the host computer 11, which stores the direct mail document 26 until the direct mail document 26 can be forwarded to the receiver in accordance with the algorithm illustrated in Figure 20. Applicants respectfully submit that performing the algorithm illustrated in Figure 20 adds additional latency to the direct mail document 26 delivery process and thus Kamakura cannot deliver the event to the user via the Internet *immediately upon detection* based on a subscription to a topic, as claim 1 recites.

Applicants respectfully submit that because the Examiner has not properly applied Kamakura to claim 1 and because the Examiner has not demonstrated that Kamakura teaches the identical invention as recited in claim 1 that the Examiner has failed to show how Kamakura anticipates claim 1. Claims 6 and 11-12 properly depend from claim 1 and as such Kamakura fails to anticipate them as well. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejections to claims 1, 6, and 11-12.

Rejection of Claims 10, 16, 25-27, 32, 36-38, 42, and 77-92 Under 35 U.S.C. §103(a)

In paragraph 8 of the Office Action, the Examiner rejected claims 10, 16, 25-27, 32, 36-38, 42, and 77-92 under 35 U.S.C. § 103(a) as obvious over Kamakura as applied to claims 1, 6, and 11-12 in view of Official Notice. The law requires that an Examiner support a rejection under 35 U.S.C. §103(a) by setting forth a *prima facie* case of obviousness. *In re Duel*, 51 F.3d 1552, 1557, 34U.S.P.Q.2d 1210, 1214 (Fed. Cir. 1995). To establish a *prima facie* case of obviousness, an Examiner must show three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Applicants respectfully traverse the rejection.

Independent Claims 27 and 86

In paragraphs 13 and 18 of the Office Action, the Examiner states that Kamakura teaches the invention as claimed in independent claims 27 and 86 including a method comprising: monitoring and detecting publication of information; organizing the detected information into at least one event and routing the event to a set of topics; facilitating a user to persistently subscribe to information based on at least one topic selected from among the set of topics; delivering the event via the network information to the client immediately upon detection based on a subscription to a topic, wherein delivering the event to the client is initiated by a server, and wherein the client does not include a programmed request and/or a poll for the event. Applicants respectfully disagree.

Applicants respectfully submit that the Applicants' arguments that the Examiner has not demonstrated that Kamakura teaches the identical invention as recited in claim 1 and that because the Examiner is basing the obviousness rejection on the application of Kamakura to claim 1, that the Examiner has not demonstrated that Kamakura teaches the identical invention as recited in independent claims 27 and 86. For example, Applicants respectfully reiterate that Kamakura does not teach "monitoring and detecting publication of information in a network" as recited in claim 1 and thus does not teach "monitoring and detecting publication of information in a network" as recited in claims 27 and 86. Applicants also respectfully reiterate that Kamakura

fails to teach “delivering the event to the user via the Internet immediately upon detection based on a subscription to a topic” as recited in claim 1 and thus does not teach “delivering the event to the user via the Internet immediately upon detection based on a subscription to a topic” as recited in claims 27 and 86. As a result, the Examiner has failed to show how Kamakura teaches each and every element of claims 27 and 86.

Each Element of the Prima Facie Case of Obviousness Must Be Met

Applicants respectfully submit the Examiner has failed to satisfy each criterion of the *prima facie* case of obviousness with respect to the claimed invention. Applicants only need demonstrate that the Examiner has not met the initial burden of making a *prima facie* case of obviousness with respect to the claimed invention and if the Examiner fails to show that Kamakura teaches each and every element of claims 27 and 86, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness of claims 27 and 86 over Kamakura. Applicants respectfully submit that they have shown that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness of claims 27 and 86 over Kamakura and that claims 27 and 86 are thus patentable over Kamakura. Claims 10, 16, 25-26, 32, 36-38, 42, and 77-79, and 87-91 properly depend from claims 27 or 86 and as such the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness of claims 10, 16, 25-26, 32, 36-38, 42, and 77-79, and 87-91 as well. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejections to claims 10, 16, 25-27, 32, 36-38, 42, and 77-91.

Omnibus Rejections Are Not Permissible

In paragraph 18 of the Office Action, the Examiner groups claims 86-92 in a common rejection. Applicants respectfully direct the Examiner to MPEP §707.07(d), which states that ***a plurality of claims should never be grouped together in a common rejection*** unless the rejection is equally applicable to all claims in that group. Applicants respectfully submit that the Examiner has not properly addressed independent claim 92. For example, the Examiner has not pointed out where Kamakura teaches “receiving a connection at a web page from a user, the web page having ***content including a microserver***; automatically delivering the microserver to the user via the Internet; allowing other web page content to automatically subscribe to events on behalf of the user; and delivering events and/or other web page content to the user” as recited in claim 92. Applicants point out for the record that Kamakura never speaks of servers or micro-servers.

Applicants respectfully request therefore that the Examiner ungroup claims 86-92 and examine them separately.

Official Notice Not Supported By Documentary Evidence

In paragraphs 12, 14, and 17 of the Office Action, the Examiner takes Official Notice that “both the concept and advantages of providing for embedded micro-server is well known and expected in the art.” Applicants respectfully direct the Examiner to MPEP §2144.03, which states that Official Notice taken unsupported by documentary evidence should be judiciously applied, that the facts should be of a notorious character and ***should only be used to fill in the gaps in an insubstantial manner***, and that it is never appropriate to rely solely on common knowledge without evidentiary support as the principal evidence upon which a rejection is based.

Applicants respectfully submit that the Examiner has improperly taken Official Notice that “both the concept and advantages of providing for embedded a micro-server is well known and expected in the art.” Applicants respectfully submit that the concept and/or advantages of the microserver as described in Applicants’ Specification are not common knowledge.

For example, Applicants Specification describes that “microserver 106 is a ‘stripped down’ web server, having minimal functionality to support delivering of requested information in the form of a request to store information from information control network 108. As will be described in more detail below, the employment of micro-server 106 facilitates the user to persistently submit their requests for information, and subsequently receive the information as they become available, without requiring the users to remain ‘connected’ to the information control network 108, while awaiting availability of the requested information.” Applicants respectfully request that if the Examiner is to maintain the conclusion that this concept of a microserver is common knowledge that the Examiner provide documentary evidence to support the conclusion that it is common knowledge.

Applicants Specification describes further that “[c]onventional client computers, however, cannot allow pseudo-synchronous responses to requests for information without either maintaining the communication connection open or employing an alternate communication channel. The microserver-equipped client computer 104a can ‘locally’ maintain (i.e., on the

client computer itself) a communication path between the information-request-making application and receive the requested information on the application's behalf as an 'independent' request for service from the information control network 108." Applicants respectfully request that if the Examiner is to maintain the conclusion that this concept of a microserver is common knowledge that the Examiner provide documentary evidence to support the conclusion that it is common knowledge.

CONCLUSION

Applicants respectfully submit that all grounds for rejection have been properly traversed and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 5/4/2005

Jan Little-Washington
Jan Little-Washington
Reg. No. 41,181
(206) 292-8600

Enclosures:

Postcard
Transmittal in duplicate
Check

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on May 4, 2005
Date of Deposit

Adrian Villarreal
Name of Person Mailing Correspondence

[Signature] May 4, 2005
Signature Date